

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES vs. Richard Frank Nutile	For U. S.: James E. Ritchie Assistant U. S. Attorney For Defendant: Summer H. Woodrow and Joseph J. Balliro 44 School St. Boston, Mass. Carroll Samara 1015 Cravens Bldg., Okla City

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 5-2-67	Clerk	8-30-67	Nutile	5 00	
J.S. 3 mailed 8-31-67 4-30-68	Marshal				
Violation Trans. interstate falsely made check Title 18 Sec. 2314	Docket fee				

DATE	PROCEEDINGS
4-25-67	Indictment, filed in open Court. b
4-25-67	Record vote of the Grand Jury, filed in open Court. b
4-25-67	Ordered by the Court that the bond of the defendant is fixed in the sum of \$2,500.00. (Allen E. Barrow - Judge) b
5-3-67	Defendant present in person and represented by counsel. Defendant arraigned, receives copy of indictment and enters plea of NOT GUILTY, and case set for Jury Trial on Monday, 5-22-67 at 9:30 A.M. Defendant granted permission to leave this district under present bond with (AEB-J)h
5-4-67	Personal appearance bond of the defendant, in the sum of \$5,000.00, filed. B
5-8-67	Personal appearance bond of the defendant, from District of Massachusetts, in the sum of \$500.00, filed. b
5-19-67	Subpoena returned, filed - served Viola Stevens Henderson and Maxine Connors at Sapulpa, Oklahoma on May 16, 1967. b
5-23-67	Return on subpoena to testify, filed. Served Gerald H. Lee at Schenectady, N.Y. on 5-16-67. ds. Fee, \$6.32
5-22-67	Case tried to court 5-22-67 and 5-23-67. Case consolidated with 67-CR-36. Court finds defendants guilty. (see docket 67-CR-36)h(AEB)
	(OVER)

DATE	PROCEEDINGS
5-29-67	U. S. Subpoena returned, filed - served Bruce Losurdo, 1 Wall Street, New York, N. Y. on 5-17-67. b (Fee \$3.36) b
5-29-67	U. S. Subpoena returned, filed - served John D. Lockton on May 17, 1967 at New York, N. Y. (Fee \$5.25) b
6-8-67	Case set for sentence on Monday, 6-19-67 at 10:00 A.M.(AEB-J)h
6-19-67	Case called for sentencing. Defendant Richard Frank Nutile not present and represented by Carroll Samara. It is ordered that bench warrant be issued for the defendant. Bonds of the defendant are forfeited and warrant for the arrest of defendant ordered issued. New bond fixed in amount of \$25,000.00. (Allen E. Barrow-Judge)h
6-19-67	Defendant called three times in open court. Defendant failed to answer call and appear as directed. Court directs U.S. Marshal to proceed with pick up order pursuant to bench warrant. (Allen E. Barrow-Judge)h
8-15-67	Petition for writ of habeas corpus ad prosequendum of the defendant, Richard Frank Nutile, filed. b
8-15-67	Order granting writ of habeas corpus ad prosequendum, filed. (Allen E. Barrow - Judge) b
8-23-67	Writ of habeas corpus ad prosequendum, issued. b Defendant present in person and not represented. In absence of attorney for defendant sentence passed to Thursday, 8-24-67 at 11:00 A.M.(AEB-J)h
8-24-67	Defendant present in person and represented by counsel. Defendant's oral motions to reopen case, arrested judgment and for new trial are overruled.
	Judgment and Sentence- Richard Frank Nutile (Age 31)
	Atty Gen- Six (6) years. Appeal bond denied.(AEB-J)h
8-24-67	Order of J&C filed and entered.(AEB-J)h
8-24-67	Two c.c. of J&C delivered to USM.h
8-30-67	Notice of appeal, filed. Copies mailed to US Atty., and to Nutile.
8-30-67	Statement of docket entries and copy of notice of appeal sent to USCA. g
9-28-67	Reporter's transcript of proceedings had on 5-22 and 5-23, 1967, Non-Jury trial, reported by Glen R. Dorrough CR, Tulsa, Oklahoma, filed. ds (copy)
10-3-67	Reporter's transcript of non-jury trial proceedings on May 22 & 23, 1967, filed. g (original)(Glen R. Dorrough, Reporter.)
10-4-67	Order extending time to docket appeal to October 18, 1967, filed. (AEB-J)g
10-16-67	Certificate of counsel for appellant that appeal record is complete, filed. g
10-16-67	Transcript of documents in lieu of appeal record forwarded to USCA, Denver. g
11-1-67	Writ of habeas corpus ad prosequendum, returned and filed: defendant Richard Frank Nutile transported from Dist. of Massachusetts and delivered to U.S. Marshal, USDC, NDO, on 8-22-67; defendant Nutile delivered to State Authorities, Suffolk County Jail, Boston, Mass., on 10-22-67. g
12-6-67	Return on warrant of arrest of defendant, filed. "This subject appeared under writ HCAP from State Authorities, Boston, Mass."ds
12-21-67	Petition to modify sentence, filed. e
12-21-67	Petition to modify sentence denied. (AEB-J) e
12-26-67	Order filed that petition of the defendant Nutile to modify sentence is denied. (Allen E. Barrow-Judge)h (copies mailed)
1-22-68	Petition to modify sentence under Rule 35, filed. ds
2-23-68 cc	Order of U. S. Court of Appeals, Tenth Circuit, dismissing appeal on motion of appellee, with consent of appellant, filed
3-4-68	Petition for writ of habeas corpus ad testificandum, filed. w
3-4-68	Order granting writ of habeas corpus ad testificandum, filed. (AEB-J) w
3-4-68	Writ issued. w
3-18-67	Return on writ of habeas corpus ad testificandum, filed. Returned unexecuted at Tulsa, Oklahoma, on 3-13-68, at the request of James Ritchie, Asst. US Atty. ds

(Continued on Page No. 3, Sheet No. 2)

DATE	PROCEEDINGS
4-4-68	Petition for writ of habeas corpus ad testificandum, filed. b
4-4-68	Order filed, granting writ of habeas corpus ad testificandum for Richard Frank Nutile to appear 4-15-68. (Allen E. Barrow - Judge) x writ issued xb
4-25-68	Hearing held on motion to reduce sentence under Rule 35. Defendant present in person and represented. IT IS ORDERED that judgment and and sentence entered 8-24-67 be modified to read: Defendant hereby committed to custody of the Attorney General etc., for imprisonment for a period of 40 months. Said sentence of confinement shall run concurrently with sentence imposed in No.67-CR-86. It is further adjudged that said sentence of confinement shall run concurrently with the sentence imposed against defendant in the State of Massachusetts. It is further adjudged that the defendant be given credit for all time in pre-trial and post-trial confinement in the municipal, state or federal institutions.(Allen E Barrow-Judge)h
4-25-68	Order of modification and commitment filed and entered. h
4-25-68	Two c.c. of above order delivered to USM.h
1-5-70	CC of J & S returned, filed - defendant delivered to the Federal Correctional Institution at Danbury, Conn. on 9-11-69. b

DATE	PROCEEDINGS

UNITED STATES COMMISSIONER

Northern DISTRICT OF Oklahoma

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE BENJAMIN B. BALLENGER

(Name of commissioner)

FEDERAL BUILDING, TULSA, OKLAHOMA

(Address)

COMMISSIONER'S
DOCKET NO. 1 CASE No. 208
THE UNITED STATES
vs.
RICHARD FRANK NUTILE

Complaint filed on Feb. 9, 1967, by Dale H. Williams
Official title Spec. Agt. F.B.I. charging violation of
United States Code, Title 18, Section 2384, on Jan. 11,
1967, at Sapulpa, Okla. in the
division of the Northern district of Oklahoma
as follows: did cause to be transp. in int. commerce
from Sapulpa, Okla., N/D of Okla., to New York, N.Y.
a falsely made & forged security, to-wit: a check
drawn on the Irving Trust Co., New York, N.Y. dated
12-30-66, payable to Howard S. Hart, in the am't.
if \$227.50, drawn on the account of General Elec.
Co., signed J. D. Lockton, Treas. he then knowing it
to be falsely made. (RICHARD FRANK NUTILE)

WARRANTS OR SUMMONS ISSUED:

Date Feb. 9, 1967 Warrant/Summons for
to (name and title of officer) To Any U.S. Marshal or Any Authorized U.S. Officer (Name of defendant)
Substance of return

Date Warrant/Summons for
to (name and title of officer)
Substance of return

FILED

17026
SEP 24 1968

(Name of defendant)

M. M. EYING

Clerk, U. S. District Court

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER:

Date Arrested by { on warrant of (Name of issuing officer)
without warrant.

Appearances { for United States (Name) (Address)
for accused (Name) (Address)

Proceedings taken (Here insert with dates, when appropriate, a serialim account of essential steps taken at hearing such as "complaint prepared,"

if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived,"

if that is the fact; any adjournments taken, etc.

4-25-67 Indictment returned.

Outcome
Bail fixed, 19 Amount, \$ Bonded, 19, by cash
deposited by (name) Address
transmitted to clerk of district court, 19 [or] by surety
(name) Address
(name) Address, who
justified by affidavit dated, 19, [or] committed to
on, 19

SUBPOENAS FOR WITNESSES ISSUED:

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

_____, 19____, for (name of witness)_____
at request of (name of party)_____
Substance of return_____

PRELIMINARY EXAMINATION:

(Not to be used if case was disposed of at first presentation)

Date_____ Appearances for _____

{ United States (Name) _____
(Address) _____
Accused (Name) _____
(Address) _____

WITNESSES FOR UNITED STATES: (List names and addresses)

WITNESSES FOR ACCUSED: (List names and addresses)

Witness payroll containing _____ names certified to United States Marshal for payment _____, 19____
Proceedings taken_____

Outcome_____

Bail fixed _____, 19____ Amount, \$ _____ Bonded _____, 19____, by cash
deposited by (name) _____ Address _____
transmitted to clerk of district court _____, 19____
[or] by surety (names) _____ Address _____
and _____ Address _____
who justified by affidavit _____, 19____ Committed to _____
on _____, 19____

Certified to be a correct transcript.

Made this 24th day of September, 1968.

Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma, September 24th, 1968.

Benjamin B. Ballenger
Benjamin B. Ballenger

United States Commissioner.

UNITED STATES COMMISSIONER
Northern District of Oklahoma.

RECORD OF PROCEEDINGS—MISCELLANEOUS

BEFORE MILAM M. EWING, FEDERAL BUILDING, TULSA, OKLAHOMA.
(Name of Commissioner) (Address)

This form should be used to record proceedings for which Forms AO 100 and AO 101 are not adapted, such as applications for search warrants, extradition proceedings, depositions in civil cases, proceedings for the release of poor convicts, references in civil or admiralty cases, attachments and subsequent hearings in internal revenue matters, proceedings to settle or certify nonpayment of seamen's wages, civil rights proceedings, detentions of witnesses on removal proceedings in connection with criminal proceedings, if not included in Form AO 100, etc. A separate page should be used for each proceeding, showing the title of the case, its nature, and the date and nature of each step taken.

Commissioner's
Docket No. 2, Case No. 799

UNITED STATES OF AMERICA

vs.

Richard Frank Nutile

(Nature of proceeding)

[illegible]

UNITED STATES COMMISSIONER
Northern DISTRICT OF Oklahoma.

RECORD OF PROCEEDINGS—MISCELLANEOUS

BEFORE BENJAMIN B. BALLENGER, FEDERAL BUILDING, TULSA, OKLAHOMA.
(Name of Commissioner) (Address)

This form should be used to record proceedings for which Forms AO 100 and AO 101 are not adapted, such as applications for search warrants, extradition proceedings, depositions in civil cases, proceedings for the release of poor convicts, references in civil or admiralty cases, attachments and subsequent hearings in internal revenue matters, proceedings to settle or certify nonpayment of seamen's wages, civil rights proceedings, detentions of witnesses on removal proceedings in connection with criminal proceedings, if not included in Form AO 100, etc. A separate page should be used for each proceeding, showing the title of the case, its nature, and the date and nature of each step taken.

Commissioner's
Docket No. 1, Case No. 254

FILED
16783
MAY - 4 1967

UNITED STATES OF AMERICA

vs.

Richard Frank Nutile (

No. 67-CR-37
NOBLE C. HOOD
 T.18, USC, Sec: 2314 Clerk, U. S. District Court
 Trans. Interstate forged security.
 (Nature of proceeding)

[illegible]

